

November 6, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are received and filed.

	Item	Page	-2003	(Comm. 18D-3)
a.	DEP: SEQR – Negative Declaration – Hunters Creek Parking Lot.			
	(5-0)			

	Item	Page	-2003	AS AMENDED (Comm. 18E-25)
b.	COUNTY EXECUTIVE: EC/SSTA Engineering Service Agreement – Change Order No. 4.			
	(5-0)			

	Item	Page	-2002	AS AMENDED (Comm. 20E-47)
2.	COUNTY EXECUTIVE			

A
RESOLUTION NO. _____

RESOLUTION DATED _____, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) November 6, 2003.

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, has heretofore been established, and

WHEREAS, there has been prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of said District No. 5 which report and estimate of cost have been approved by the Board of Managers of said District on October 9, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 5 in said County, consisting of the replacement of

approximately 18,000 feet of sewer pipe, reconstruction of the District's pumping stations and the acquisition and installation of monitoring and reporting hardware, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 5 is \$3,000,000 to be assessed against a benefitted area which consists of the entire area of said Sewer District No. 5; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$20.90 for the Town of Clarence and \$16.15 for the Town of Amherst, is above the Average Estimated Cost of \$12.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part, 6, Buffalo, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 5 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 5 in said County.

The increase and improvement of such facilities consists of the replacement of approximately 18,000 feet of sewer pipe, reconstruction of the District's pumping stations and the acquisition and installation of monitoring and reporting hardware, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of

Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of said District on October 9, 2003.

The maximum estimated cost of such increase and improvement of facilities is \$3,000,000, to be assessed against a benefitted area which consists of the entire area of said Sewer District No. 5.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$20.90 for the Town of Clarence and \$16.15 for the Town of Amherst. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,

_____, 2003

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK

By _____
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in “Front Page” and in “Amherst Bee,” the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.
(5-0)

B
RESOLUTION NO. _____

RESOLUTION DATED _____, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A
PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF

THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) November 6, 2003.

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, (the "District") has heretofore been established and an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York; and

WHEREAS, such County Legislature has heretofore received a report and estimate of cost from County engineers (the Erie County Department of Environment and Planning), dated October 28, 2003 relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 5 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 5 in said County, consisting of the construction and installation of approximately 1,620 linear feet of 8" gravity sewer installed from the existing Sisters of St. Joseph's treatment plant's wet well to the Town of Clarence's proposed sanitary sewer on Hillcrest Drive; and the construction and installation of approximately 2,260 linear feet northerly on Hillcrest Drive to the Town of Clarence's trunk sewer on Greiner Road, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design and engineering of the facilities of said Sewer District No. 5 is \$200,000, to be assessed against a benefitted area which consists of the Sisters of St. Joseph Extension of said Sewer District No. 5; and

WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such increase and improvement in accordance with the provisions of Section 253-b of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, in Buffalo, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 5 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, in Buffalo, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of the facilities of Erie County Sewer District No. 5 in said County (the "District").

The modification of plans for increase and the improvement of the facilities consisting of the construction and installation of approximately 1,620 linear feet of 8" gravity sewer installed from the existing Sisters of St. Joseph's treatment plant's wet well to the Town of Clarence's proposed sanitary sewer on Hillcrest Drive; and the construction and installation of approximately 2,260 linear feet northerly on Hillcrest Drive to the Town of Clarence's trunk sewer on Greiner Road, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated October 28, 2003, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid design and engineering of facilities is \$200,000, to be assessed against a benefitted area which consists of the Sisters of St. Joseph Extension of said Sewer District No. 5.

Dated: Buffalo, New York,

_____, 2003.

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK

By Laurie Manzella
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in Amherst Bee and in Front Page, the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

3. Item Page -2003 (Comm. 17E-28)

COUNTY EXECUTIVE

WHEREAS, the Division of Information and Support Services has determined that account 110-927510826, Other Expenses, in its 2003 Operating Budget requires an additional appropriation, and

WHEREAS, the Division of Information and Support Services is requesting authorization to transfer funds from account 110-9043038301299, Regionalism/Economic Development Fund, to account 110-927510826, Other Expenses, in their department in order to continue to provide Mailroom Services to all County departments.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$50,000 is hereby transferred to the Other Expenses Account, DAC 110-927510826, in the 2003 Budget of the Division of Information and Support Services from the Regionalism/Economic Development Fund, DAC 110-9043038301299, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Division of Information and Support Services, and the Director of Central Data Processing.

(5-0)

4. Item Page -2003 (Comm. 18E-9)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Economic Development (NYSDED) provides grant assistance to implement pollution prevention technical assistance initiatives; and

WHEREAS, the NYSDDED has solicited a proposal from Erie County for participation in the Pollution Prevention Technical Assistance Program; and

WHEREAS, in March of 2003, the Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from NYSDDED to implement a Pollution Prevention Technical Assistance Program; and

WHEREAS, on March 28, 2003, the NYSDDED granted approval of the application allocating funding of \$195,369 over two years for a Pollution Prevention Technical Assistance Program to be implemented in Erie County; and

WHEREAS, in order to meet the requirements of the grant award for the 1:1 local match of project costs, it is necessary to allocate \$25,000 in County funds for the duration of the Program to cover a portion of the match; and

WHEREAS, the remainder of the required County match will be met through overhead and in-kind expense contributions.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the NYSDER to accept and implement the Pollution Prevention Technical Assistance Program in an amount not to exceed \$195,369 in grant resources; and be it further

RESOLVED, that the sum of \$25,000 is hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to Account 886-6209, Interfund Subsidies, in the budget of the DEP to be used for the required local match; and be it further

RESOLVED, that the revenue from the Pollution Prevention Technical Assistance Program is hereby appropriated in the grant as follows:

REVENUE:

641	State Aid – New York State Department of Economic Development	\$195,369
686-6200	Interfund Revenue – Environment and Planning	<u>25,000</u>
TOTAL REVENUE		\$220,369

APPROPRIATIONS:

800	Personnel Services	\$160,534
805	Fringe Benefits	48,335
810	Office Supplies	500
824	Local Travel and Mileage	500
825	Out-of-Area Travel	1,500
826	Other Expenses	<u>9,000</u>
TOTAL APPROPRIATIONS		\$220,369

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

COUNTY EXECUTIVE

WHEREAS, the Village of Blasdell has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the Village of Blasdell to rebuild the Pearl and Orchard Avenue sanitary sewers when the Village reconstructs the roads in 2004 and 2005.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of Blasdell for the rebuilding of the Pearl and Orchard Avenue sanitary sewers together with the Village's reconstruction of the road is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to reimburse the Village of Blasdell an amount not to exceed \$100,000.00 from ECSD No. 3 Capital Account, Fund 430 Project 446 for the replacement of the Pearl and Orchard Avenue sanitary sewers subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and Ernest Jewett, Mayor, Village of Blasdell.

(5-0)

6. Item Page -2003 (Comm. 18E-27)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has projects planned for sanitary sewer improvements and reducing inflow and infiltration along French Road in the Town of Cheektowaga; and

WHEREAS, the Erie County Department of Public Works has let a project for the resurfacing of French Road in the Town of Cheektowaga; and

WHEREAS, both the Erie County Department of Public Works and the Erie County Department of Environment and Planning desire to consolidate the construction projects along French Road to alleviate inconvenience to the public and reduce costs to the rate payers.

NOW, THEREFORE, BE IT

RESOLVED, that an interdepartmental joint agreement between the Erie County Department of Public Works and Environment and Planning Department with low bidder, Diamond "D" Construction, Inc., under Bid No. MF-01-03, for the purpose of sanitary sewer improvements and addressing inflow and infiltration along French Road which will suit the needs of both departments be approved; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate a sum of \$273,655.60 for the sewer portion of Erie County Department of Public Works Bid MP-01-03 improvements, from Sewer Capital Erie County Sewer District No. 1, Fund No. 430, Project No. 694 for the interdepartmental joint agreement for the sanitary sewer improvements; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to Nancy Naples, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney; and three (3) certified copies to the Deputy Commissioner of Highways, Department of Public Works.

(5-0)

AS AMENDED

7. Item Page -2003 (Comm. 18E-29)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works has received the following low bid for the Times Beach Public Access Project, ECDPW Project No. JZ-03-14:

<u>PROJECT NO.</u>	<u>LOW BIDDER</u>	<u>AMOUNT OF BID</u>
JZ-03-14	Gleason's Nursery, Inc. 780 Sheridan Drive Williamsville, New York 14221	\$103,678

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Times Beach Public Access Project, ECDPW Project No. JZ-03-14, be awarded to the low bidder as follows:

<u>PROJECT NO.</u>	<u>LOW BIDDER</u>	<u>AMOUNT OF BID</u>
JZ-03-14	Gleason's Nursery, Inc. 780 Sheridan Drive Williamsville, New York 14221	\$103,678

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the project fund balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the sum of \$10,370 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency; and be it further

RESOLVED, that deduct change orders will result in funds being returned to the contingency account; and be it further

RESOLVED, that funding for this contract shall be taken from Fund 410, Project 431 which was authorized by 2003 Consolidated Bond Resolution #149-2003; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; Lawrence Jasinski, Commissioner of the Department of Parks and Recreation; Maria Lehman, Commissioner of the Department of Public Works; John S. Rizzo, Deputy Comptroller; and Gregory Dudek, Assistant County Attorney.

(5-0)

AS AMENDED

8. Item Page -2003 (Comm. 18E-30)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works has received the following low bid for the Seneca Bluffs Habitat Restoration Project, ECDPW Project No. JZ-02-06:

<u>PROJECT NO.</u>	<u>LOW BIDDER</u>	<u>AMOUNT OF BID</u>
JZ-02-06	Birch Grove Landscaping and Nursery, Inc. P. O. Box 117 East Aurora, New York 14052	\$127,000

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County; and

WHEREAS, in order to provide adequate resources to award the contract for the amount proposed by the lowest bidder, it is necessary to allocate \$10,000 in County funds from the Regionalism/Economic Development Fund.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$10,000 is hereby transferred from the Regionalism/Economic Development Fund (DC 110 9043038301299) to Account 886, Interfund Subsidies, in the budget of the Department of Environment and Planning to be used for Seneca Bluffs Wetland Restoration Project construction contract; and be it further

RESOLVED, that the existing grant budget for the Seneca Bluffs Wetland Restoration Project (Project #578) is hereby revised to include the additional County resources as follows:

REVENUES:

ACCOUNT	DESCRIPTION	CURRENT BUDGET	REVISIONS	REVISED BUDGET
360	Other Local Share Revenue	\$105,000	0	\$105,000
553	State Aid – NYSDEC	106,500	0	106,500
553-400	State Aid – NYSDOS	100,000	0	100,000
641	Federal Aid – U.S. Department of Agriculture	4,000	0	4,000
686-6200	Interfund Revenue - Environment and Planning	50,000	10,000	60,000
	TOTAL REVENUES	\$365,500	\$10,000	\$375,500

APPROPRIATIONS:

ACCOUNT	DESCRIPTION	CURRENT BUDGET	REVISIONS	REVISED BUDGET
800	Salaries	\$120,000	0	\$120,000
805	Fringe Benefits	33,000	0	33,000
824	Travel and Mileage	1,900	0	1,900
826	Other Expenses	1,100	0	1,100
830	Contractual Services	209,500	10,000	219,500
	TOTAL APPROPRIATIONS	\$365,500	\$10,000	\$375,500

and be it further

RESOLVED, that the Seneca Bluffs Habitat Restoration Project, ECDPW Project No. JZ-02-06, be awarded to the low bidder as follows:

<u>PROJECT NO.</u>	<u>LOW BIDDER</u>	<u>AMOUNT OF BID</u>
JZ-02-06	Birch Grove Landscaping and Nursery, Inc. P. O. Box 117	\$127,000

East Aurora, New York 14052

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Seneca Bluffs Wetland Restoration Project (Project #578) or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the sum of \$10,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency; and be it further

RESOLVED, that deduct change orders will result in funds being returned to the contingency account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; Lawrence Jasinski, Commissioner of the Department of Parks and Recreation; Maria Lehman, Commissioner of the Department of Public Works; the Comptroller's Office; and Gregory Dudek, Assistant County Attorney.

(5-0)

DALE W. LARSON
CHAIRMAN